

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Alex Guinn	Team: Squad #14	CCRB Case #: 202103662	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Wednesday, 06/16/2021 8:10 AM	Location of Incident: Rockaway Parkway and Glenwood Road	Precinct: 69	18 Mo. SOL 12/16/2022	EO SOL 12/16/2022	
Date/Time CV Reported Sun, 06/20/2021 8:59 PM	CV Reported At: CCRB	How CV Reported: On-line website	Date/Time Received at CCRB Sun, 06/20/2021 8:59 PM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Scott Mark	27345	950823	069 PCT
2. PO Moahmmad Uddin	14848	956309	069 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Scott Mark	Abuse: Police Officer Scott Mark questioned § 87(2)(b)	
§ 87(2)(g)	§ 87(2)(g)	

Case Summary

On June 20, 2021, § 87(2)(b) filed the following complaint via the CCRB's website.

On June 16, 2021, at approximately 8:10 a.m., § 87(2)(b) made an illegal left turn in the vicinity of Rockaway Parkway and Glenwood Road in Brooklyn. As a result, Police Officer Scott Mark and Police Officer Moahammad Uddin, both of the 69th Precinct, conducted a vehicle stop of § 87(2)(b). PO Mark advised § 87(2)(b) that she committed a traffic violation and he asked her if she was in possession of a firearm (**Allegation A: Abuse of Authority**, § 87(2)(g)).

§ 87(2)(b) No arrests resulted from this incident; however, § 87(2)(b) was issued a summons for a disobeyed traffic device.

BWC was received for PO Mark, the relevant aspects of which will be discussed in further detail below.

Findings and Recommendations

Allegation (A) Abuse of Authority: Police Officer Scott Mark questioned § 87(2)(b)

The investigation established the following facts:

On June 16, 2021, at approximately 8:10 a.m., § 87(2)(b) was driving alone in her vehicle on Rockaway Parkway in Brooklyn when she unknowingly made an illegal left turn onto Glenwood Road. As a result, PO Mark and PO Uddin conducted a vehicle stop. § 87(2)(b) interacted exclusively with PO Mark, as PO Uddin stood near the patrol vehicle, and watched oncoming traffic. During the stop, § 87(2)(b) informed PO Mark that her driver's license was in her bookbag, which was on her backseat. Thus, § 87(2)(b) exited her vehicle in order to retrieve her license from her bookbag. As § 87(2)(b) was retrieving her license from her bookbag, PO Mark asked if she had a gun, in which § 87(2)(b) said no, and provided PO Mark her license. At some point, PO Mark did advise § 87(2)(b) that that she made an illegal left turn, as the sign on Rockaway Parkway stated no left turns, Monday through Friday from 6:00 a.m. to 10:00 a.m. and 3:00 p.m. to 7:00 p.m., except buses. Subsequently, PO Mark issued § 87(2)(b) a summons for a disobeyed traffic device (BR 01), and he left the scene.

§ 87(2)(b) testified that she was a schoolteacher and on the date of the incident she was on her way to work. § 87(2)(b) further testified that after she was stopped by PO Mark and was informed of her traffic violation, she told PO Mark that she was a schoolteacher and her license was in her wallet, which was located in her bookbag behind the driver's seat, and that she thus needed to exit her vehicle in order to retrieve it. PO Mark moved away from § 87(2)(b)'s front driver's side door in order for her to get out of her vehicle. § 87(2)(b) proceeded to open the rear-driver's side door, and PO Mark stood right next to § 87(2)(b)'s elbow as she did so. § 87(2)(b) lifted her pink flower print Herschel-brand bookbag off the floor and placed it on the back seat. The bookbag was non-transparent, cloth, with two straps, a main compartment, and a small compartment located at the top of the bookbag. The main compartment had § 87(2)(b)'s laptop, a notebook planner (without spirals), and a bag with her flash-drive, EpiPen, and tampons. § 87(2)(b)'s wallet was in the smaller compartment, which was big enough to hold a small wallet and a cellphone. § 87(2)(b) did not notice any bulges in her bookbag. After § 87(2)(b) lifted her bookbag on the back seat, PO Mark said "you got a gun in there [bookbag]?" § 87(2)(b) had not opened her bookbag at this point, nor did she make any movements other than lift her bookbag onto the seat. § 87(2)(b) responded, "why would I have a gun in my bag? I'm going to school with kids." PO Mark said, "oh, I just need to know; I need to ask that" (BR 02).

Beginning at the 1:20 mark of PO Mark's BWC, § 87(2)(b) opens the back door on the driver's side, and the front-driver's side door remains open. § 87(2)(b) picks up her bookbag, and PO Mark immediately says, "no gun in there, right?" § 87(2)(b)'s bookbag is partially blocked by her body; however, there are no visible bulges in her bookbag. § 87(2)(b)'s bookbag is an average size bookbag that is large enough to hold a laptop. The bookbag appears to be a cloth

- 201801005 involved a substantiated allegation of discourtesy-word against PO Mark. The Board recommended Command Discipline A and the NYPD declined to prosecute.
- § 87(2)(g) [REDACTED]

Mediation, Civil, and Criminal Histories

- This complaint was not suitable for mediation.
- As of October 28, 2021, the New York City Office of the Comptroller has no record of a Notice of Claim being filed in regards to this complaint (BR 09).
- § 87(2)(b) [REDACTED]

Squad: 14

Investigator:	<u>Alex Guinn</u>	<u>Inv. Alex Guinn</u>	<u>10/29/21</u>
	Signature	Print Title & Name	Date

Squad Leader:	<u>Cassandra Fenkel</u>	<u>IM Cassandra Fenkel</u>	<u>10/29/2021</u>
	Signature	Print Title & Name	Date

Reviewer:	<u></u>	<u></u>	<u></u>
	Signature	Print Title & Name	Date